



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 14, 1995

Ms. Christine T. Rodriguez  
Staff Attorney  
Legal and Compliance, MC110-1A  
Texas Department of Insurance  
P.O. Box 149104  
Austin, Texas 78714-9104

OR95-756

Dear Ms. Rodriguez:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 32293.

The Texas Department of Insurance (the "department") received a request for numerous items of information. You say the department will release some of the requested information to the requestor. However, pursuant to section 552.111 of the Government Code, the department seeks to withhold from required public disclosure an agenda of an executive staff meeting conducted on February 21, 1995.

You inform us that the executive staff meeting is the forum by which the executive staff makes recommendations about policies and procedures to the Commissioner of Insurance, who is the ultimate decision maker. You assert that the release of the agenda would identify the items that the executive staff discusses in the course of its deliberations prior to adopting a policy or procedure. You apparently assert that the release of the agenda would reveal the insight of the agency's staff.

Section 552.111 of the Government Code excepts from required public disclosure:

An interagency or intraagency memorandum or letter that would not be available by law to a party in litigation with the agency.

This exception applies to a governmental body's internal communications consisting of advice, recommendations, or opinions reflecting the policymaking process of the governmental body at issue. *See* Open Records Decision No. 615 (1993). This exception does not except from disclosure purely factual information that is severable from the opinion portions of the communication. *See id.*

The agenda you enclosed lists the topics for discussion at the committee meeting conducted on February 21, 1995. We do not believe this agenda contains any advice, recommendations, or opinions reflecting the department's policymaking process. The information in the agenda is strictly factual in nature. Thus, the department may not withhold the agenda from required public disclosure based on section 552.111 of the Government Code.

You also make the following assertions about agendas in general:

The agendas also often contain items that have statutory protection such as fraud investigations, attorney-client privileges, and financial examination and conservation matters. Finally, the release of the agendas could also reveal items of a sensitive nature such as personnel matters and the strategies for enforcement actions and anticipated litigation.

You fail to explain how these numerous assertions apply to the particular information in the agenda you enclosed. We, therefore, do not consider whether the information in the agenda at issue is subject to "statutory protection."<sup>1</sup>

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination under section 552.301 regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Government Section

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<sup>1</sup>Moreover, apparently the requestor seeks the agenda for only one particular meeting, since he asks for "the executive staff meeting at which the statutory interpretation contained in the bulletin was considered."

KHG/rho

Ref.: ID#32293

Enclosures: Submitted document

cc: Mr. Jim Boyle  
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(w/o enclosures)